

UNITED STATES BANKRUPTCY COURT
District of New Jersey

IN RE: **Benton Wuensch**Case No.: 17-10634

Judge: _____

Debtor(s)

Chapter: _____

13

CHAPTER 13 PLAN AND MOTIONS - AMENDED

☐ Original☒ Modified/Notice Required☒ Discharge Sought☐ Motions Included☐ Modified/No Notice Required☐ No Discharge Sought

Date: _____

THE DEBTOR HAS FILED FOR RELIEF UNDER
 CHAPTER 13 OF THE BANKRUPTCY CODE.

YOUR RIGHTS WILL BE AFFECTED.

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED
 IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN
 THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

Part 1: Payment and Length of Plan

a. The Debtor shall pay 505.00 Monthly to the Chapter 13 Trustee, starting on ____ for approximately 60 months.

b. The Debtor shall make plan payments to the Trustee from the following sources:

☒ Future Earnings

☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

☐ Sale of real property

Description:

Proposed date for completion: _____

☐ Refinance of real property

Description:

Proposed date for completion: _____

☐ Loan modification with respect to mortgage encumbering property

Description:

Proposed date for completion: _____

d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. ☐ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection

a. Adequate protection payments will be made in the amount of \$____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to ____ (creditor).

b. Adequate protection payments will be made in the amount of \$____ to be paid directly by the debtor(s) outside of the Plan, pre-confirmation to ____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
Donald Quigley, Esquire DQ9093	Attorney Fees	2,500.00
Internal Revenue Service	Taxes and certain other debts	300.00
State of New Department of the	Taxes and certain other debts	1,418.54

Part 4: Secured Claims

a. Curing Default and Maintaining Payments

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the Debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
Bank of America	3494 East State Street Extension Hamilton, NJ 08619 Mercer County BPO lisyts property at \$137,500 - 10% c.o.s = \$123,750	4,000.00	0.00	4,000.00	170.00

Bank of America, NA	3494 East State Street Extension Hamilton, NJ 08619 Mercer County BPO lisyts property at \$137,500 - 10% c.o.s = \$123,750	13,000.00	0.00	13,000.00	661.71
Statagic Realty Fund, LLC	3494 East State Street Extension Hamilton, NJ 08619 Mercer County BPO lisyts property at \$137,500 - 10% c.o.s = \$123,750	3,500.00	0.00	3,500.00	792.48

b. Modification

1.) The Debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

**NOTE: A modification under this section ALSO REQUIRES
the appropriate motion to be filed under Section 7 of the Plan.**

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to Be Paid
-NONE-							

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

c. Surrender

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
-NONE-			

d. Secured Claims Unaffected by the Plan

The following secured claims are unaffected by the Plan:

Creditor
-NONE-

e. Secured Claims to be paid in full through the Plan

Creditor	Collateral	Total Amount to be Paid through the Plan
-NONE-		

Part 5: Unsecured Claims

a. **Not separately classified** Allowed non-priority unsecured claims shall be paid:

_____ Not less than \$_____ to be distributed *pro rata*

_____ Not less than _____ percent

 X *Pro Rata* distribution from any remaining funds

b. **Separately Classified Unsecured Claims** shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
-NONE-			

Part 6: Executory Contracts and Unexpired Leases

All executory contracts and unexpired leases are rejected, except the following, which are assumed:

Creditor	Nature of Contract or Lease	Treatment by Debtor
-NONE-		

Part 7: Motions

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, Notice of Chapter 13 Plan Transmittal, within the time and in the manner set forth in D.N.J. LBR 3015-1. A Certification of Service must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. **Motion to Avoid Liens under 11 U.S.C. Section 522(f).**

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
-NONE-							

b. **Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured.**

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount of Lien to be Reclassified
-NONE-		

c. **Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.**

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
-NONE-			

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon Confirmation
☐ Upon Discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Trustee shall pay allowed claims in the following order:

- 1) Trustee Commissions
- 2) **Other Administrative Claims**
- 3) **Secured Claims**
- 4) **Lease Arrearages**
- 5) **Priority Claims**
- 6) **General Unsecured Claims**

d. Post-petition claims

The Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

e. Other Provisions:

The Debtor is a co-signor on his niece's student loan debt. This debt is being paid outside the plan by the debtor's niece.

Part 9 : Modification

If this plan modifies a plan previously filed in this case, complete the information below.

Date of Plan being modified: 1/11/17.

Explain below why the Plan is being modified.	Explain below how the Plan is being modified
To include language indicating student loans are paid outside the plan	To include language indicating student loans are paid outside the plan
Are Schedules I and J being filed simultaneously with this modified Plan? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

Part 10: Sign Here

The debtor(s) and the attorney for the debtor (if any) must sign this Plan.

Date April 25, 2017 /s/ Donald Quigley, Esquire
Donald Quigley, Esquire DQ9093
Attorney for the Debtor

I certify under penalty of perjury that the foregoing is true and correct.

Date: April 25, 2017 /s/ Benton Wuensch
Benton Wuensch
Debtor

Date: _____
Joint Debtor

Certificate of Notice Page 7 of 8
 United States Bankruptcy Court
 District of New Jersey

In re:
 Benton Wuensch
 Debtor

Case No. 17-10634-MBK
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-3

User: admin
 Form ID: pdf901

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 Total Noticed: 22

Date Rcvd: Apr 27, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Apr 29, 2017.

db +Benton Wuensch, 3494 East State Street Extension, Hamilton, NJ 08619-2407
 516744699 BANK OF AMERICA, N.A., PO Box 31785, Tampa, FL 33631-3785
 516589071 +Bank of America, 100 North Tyron Street, Charlotte, NC 28255-0001
 516589072 Bank of America, PO Box 31785, Tampa, FL 33631-3785
 516589073 Bank of America, NA, P.O. Box 15227, Wilmington, DE 19886-5227
 516589074 +Fiserv, PO Box 2168, Columbus, OH 43216-2168
 516589076 +Judith Wuensch, 47 Edgemere Avenue, Plainsboro, NJ 08536-2515
 516589077 +KML Law Group, 216 Haddon Avenue, Suite 406, Collingswood, NJ 08108-2812
 516726961 +Midland Credit Management, Inc. as agent for, Asset Acceptance LLC, Po Box 2036,
 Warren MI 48090-2036
 516589078 +NLC Servicing, 4300 Stevens Creek Blvd, Suite 275, San Jose, CA 95129-1265
 516775805 ++STATE OF NEW JERSEY, DIVISION OF TAXATION BANKRUPTCY UNIT, PO BOX 245,
 TRENTON NJ 08646-0245
 (address filed with court: State of New Jersey, Division of Taxation, Bankruptcy Section,
 PO Box 245, Trenton, NJ 08695-0245)
 516589079 Santander Consumer USA, Atten: Bankruptcy Dept., P.O. Box 560284, Dallas, TX 75356-0284
 516589080 State of New Department of the, Treasury Division of Taxation, P.O. Box 187,
 Trenton, NJ 08695-0187
 516589081 +Stategic Realty Fund, LLC, 4300 Stevens Creek Blvd., #275, San Jose, CA 95129-1265
 516624579 +Toyota Motor Credit Corporation, PO Box 9013, Addison, Texas 75001-9013
 516689482 +Wells Fargo Bank N A, Wells Fargo Education Financial Services, 301 E 58th Street N,
 Sioux Falls SD 57104-0422
 516694675 Wells Fargo Bank, N.A., POB 10438, MAC F8235-02F, Des Moines, IA 50306-0438

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
 smg E-mail/Text: usanj.njbankr@usdoj.gov Apr 28 2017 11:47:51 U.S. Attorney, 970 Broad St.,
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534

smg +E-mail/Text: ustpreion03.ne.ecf@usdoj.gov Apr 28 2017 11:47:47 United States Trustee,
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
 Newark, NJ 07102-5235

516762759 E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Apr 27 2017 22:54:00
 American InfoSource LP as agent for, Verizon, PO Box 248838,
 Oklahoma City, OK 73124-8838

516589075 E-mail/Text: cio.bncmail@irs.gov Apr 28 2017 11:47:18 Internal Revenue Service,
 PO Box 724, Springfield, NJ 07081-0724

516657504 +E-mail/PDF: gecsed@recoverycorp.com Apr 27 2017 22:53:50 Synchrony Bank,
 c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021

TOTAL: 5

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

516719077* Internal Revenue Service, PO Box 7346, Philadelphia, PA 19101-7346

TOTALS: 0, * 1, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
 pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Apr 29, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on April 25, 2017 at the address(es) listed below:

Albert Russo docs@russotruster.com
 Denise E. Carlon on behalf of Creditor BANK OF AMERICA, N.A. dcarlon@kmlawgroup.com,
 bkgroup@kmlawgroup.com

District/off: 0312-3

User: admin
Form ID: pdf901

Page 2 of 2
Total Noticed: 22

Date Rcvd: Apr 27, 2017

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email)
system (continued)

Donald Quigley on behalf of Debtor Benton Wuensch lawoffices@quigleyfayette.com,
donaldquigley.dq@gmail.com
Sean M. O'Brien on behalf of Creditor BANK OF AMERICA, N.A. sobrien@flwlaw.com
U.S. Trustee. USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 5